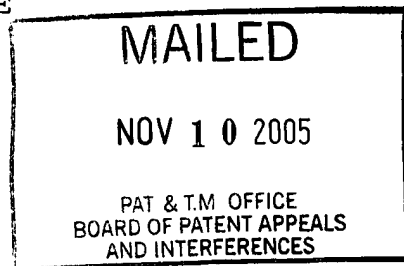


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte AKIRA OGINO, YUJI KIMURA, TDASHI EZAKI,  
and TERUHIKO KORI

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Application 09/351,399

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Order Returning Undocketed Appeal To Examiner

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This application was electronically received at the Board of Patent Appeals and Interferences on July 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On January 24, 2005, the Examiner mailed an Examiner's Answer. This Examiner's Answer contains a new Ground of Rejection, as permitted by 37 CFR § 41.39(a)(2). However, the Examiner's Answer mailed January 24, 2005 is deficient, in that the Examiner's Answer was not signed by a Technology Center Director. See the following URLs:

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<http://www.uspto.gov/web/offices/pac/dapp/opla/presentation/bpaislidetext.htm>

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/nqtcauth.pdf>

Appropriate correction is required.

In addition, the appellants, in their response filed April 5, 2005, filed a petition requesting withdrawal of the new Ground of Rejection. This petition has not been decided. Appropriate correction is required.

Lastly, it is noted that the Appellants' Reply Brief, Petition, and a translation of a foregoing reference filed April 5, 2005, are placed as one paper called Reply Brief. These papers need to be scanned as individual papers in the Electronic file.

Accordingly, it is

ORDERED that this application be electronically returned to the Examiner for: 1) having the Technology Center approve the new Ground of Rejection in the Examiner's Answer mailed January 24, 2005. If the Technology Center Director does not approve the new Ground of Rejection, the Examiner's Answer must be rewritten without the new Ground of Rejection; 2) to mail the Examiner's Answer, with the Technology Center Director's signature to appellants; 3) to have the petition filed April 5,

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2005 decided; 4) to have the papers filed April 5, 2005 rescanned as separate papers; and 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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